

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

November 15, 2007

DIVISION TWO

Court convened at 9:00 a.m.

Present: Boren, P.J., Doi Todd, J., Ashmann-Gerst, J., Chavez, J. and Jim Guzman,
Deputy Clerk.

Each of the following:

B198029 Crayton v. Moe
B190278 People v. Gomez
B197837 People v. Delgadillo and Qunitero
B197786 People vs. Dent
B196284 People v. Howard
B193857 People v. Parada
B192991 People v. Delgado

Argument waived, cause submitted.

B199262 In re Kobayashi
 on OSC re sanctions

OSC:

Argued by Obi Ephraim for Kobayashi. Cause submitted.

DIVISION TWO (continued)

B198800 Los Angeles County, D.C.S.
 v.
 Jennell T and Michael C.

Merits:

Argued by Leslie Barry and Lawrence Fluharty for appellants and by William Thetford, Deputy County Counsel for respondent. Cause submitted.

B198453 Goradia et al.,
 v.
 Vega

Merits:

Argued by Stanley Bowman for appellants and by Lawrence Fieselman for respondent. Cause submitted.

B193623 Johnson Marble Machinery Inc.
 v.
 Ataian

Merits:

Argued by Tracey Hom for appellant and by Craig Parker for respondent. Cause submitted.

B193446 Lopresto
 v.
 Red River Machinery Inc, et al.

Merits:

Argued by Anthony Roach for appellant and by Albert Sassoe for respondents. Cause submitted.

DIVISION TWO (continued)

B195914 Francis et al.,
 v.
 Westlan Construction Inc. et al.

Merits:

Argued by Kristal Marie Gunn for appellants and by Martin Pitha and Timothy Kearns for respondents. Cause submitted.

Boren, P.J. leaves the bench

B191125 Washington Mutual Bank et al.
 v.
 Blechman et al.

Merits:

Argued by Kent Bridwell and Michael Sofris for appellants and by James Cooper, Mitchel Ezer and Dirck Edge for respondents. Cause submitted.

Court in recess

Court reconvened at 1:00 p.m.

Present: Boren, P.J., Doi Todd, J., Ashmann-Gerst, J., Chavez, J. and Jim Guzman, Deputy Clerk.

B192745 People
 v.
 Beall

Merits:

Argued by Joanna McKim for appellant and by Allison Chung, Deputy Attorney General for respondent. Cause submitted.

DIVISION TWO (continued)

B194922 Kaplowitz
 v.
 Noble

Merits:

Argued by Gayle Noble for appellant and by Thomas McCullough for respondent. Cause submitted.

B191901 Taylor
 v.
 California Bank and Trust

Merits:

Argued by David Hoffman for appellant and by John Flock for respondent. Cause submitted.

B194464 Esprit One LLC
 v.
 County of Los Angeles et al.

Merits:

Argued by Donald Johnson for appellant and by Lauren Black for respondents. Cause submitted.

B188210 Douda et al.,
 v.
 California Coastal Commission

Merits:

Argued by Stanley Lamport for appellants and by Gordon Overton, Deputy Attorney General for respondent. Cause submitted.

Chavez, J. leaves bench

November 15, 2007 (Continued)

DIVISION TWO (continued)

B193500 Communities for a Better Enviornment et al.
v.
SCAQMD and Conoco Phillips Company

Merits:

Argued by Richard Drury and Shana Lazerow for appellants and by
Bradley Hogin and Ward Benshoof for respondents. Cause submitted.

Court adjourned.

B191740 People (Not for Publication)
v.
Patterson

The judgment is affirmed.

Boren, P.J.

We concur: Doi Todd, J.
 Ashmann-Gerst, J.

B191256 People
B192771 v.
Campos, Hogan

Filed order modifying opinion. (No change in the judgment)

DIVISION THREE

B197010 Los Angeles County, D.C.S. (Not for Publication)
v.
Steven G.

The judgment is affirmed.

Kitching, J.

We concur: Croskey, Acting P.J.
Aldrich, J.

DIVISION FOUR

B191138 People (Not for Publication)
v.
Isaac Gabriel

The judgment is reversed as to the findings on acts numbered 4, 5, and 6, relating to defendant's alleged filing of frivolous and harassing unlawful detainer actions against tenants Stephen Murnane and Kate Fuller in October 2001, October 2003, and April 2004. Civil penalties assessed on these findings (totaling \$7,500) are stricken. The judgment is also reversed as to the finding, contained in the judgment as part of the finding on act number 8, that defendant committed a robbery of tenant Stephen Murnane in violation of Penal Code section 211. Otherwise, the judgment is affirmed. The People shall recover their costs on appeal.

Willhite, J.

We concur: Epstein, P.J.
Suzukawa, J.

November 15, 2007 (Continued)

DIVISION FIVE

B194414 People (Not for Publication)

V.

Joshua Mansion, et al.,

The judgment is affirmed.

Kriegler, J.

We concur: Armstrong, Acting P.J.

Mosk, J.

B194496 Minehart Surgery Center, et al (Not for Publication)

V.

Prisma Construction Company, Inc. et al.,

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, J.

We concur: Turner, P.J.

Mosk, J.

B137187 Omni Plastics

V.

California Compensation Insurance Company

Filed order dismissing appeal after issuance of an order to show cause.

Appeal (notice of appeal filed November 17, 1999) dismissed.

DIVISION SIX

Court convened at 1:30 p.m.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J., P. McGill, Chief Deputy Clerk and G. Bents, Deputy Clerk.

DIVISION SIX (continued)

Each of the following:

B192468 People v. Momoh
B194403 People v. Taylor

Argument continued to December, 2007.

Each of the following:

B189111 People v. White
B190414 People v. Zavala
B190563 People v. Harding
B190881 People v. Garcia
B191255 People v. Nevarez
B192457 People v. Wurth
B193355 People v. Ochoa
B193452 People v. Walden
B193832 People v. Larkin
B194934 People v. Chavez
B194969 People v. Rincon
B195433 People v. Marinos
B196200 People v. Massey

Argument waived, cause submitted.

B195395 People
 v.
 Edgar G.

Merits:

Argued by Laini M. Melnick for appellant and by Sonya Roth, Deputy Attorney General, for respondent via video conference. Respondent shall serve and file a supplemental letter brief on the 462(a) issue within 15 days. Appellant shall serve and file any reply 15 days thereafter. The cause shall stand submitted in 30 days.

DIVISION SIX (continued)

B188094 People
 v.
 Ervin

Merits:

Argued by Lisa Maria J. Spillman for appellant and by Gary Lieberman, Deputy Attorney General, for respondent via video conference. Cause submitted.

B195866 People
 v.
 Anaya

Merits:

Argued by Michelle J. Contois, Deputy District Attorney, for appellant and by Richard B. Lennon for respondent. Cause submitted.

Gilbert, P.J. left the bench.

B193077 People
 v.
 Garcia

Merits:

Argued by Lynette Gladd Moore for appellant and by Yun K. Lee, Deputy Attorney General, for respondent via video conference. Counsel are directed to serve and file simultaneous letter briefs re: rule 4.130, Cal. Rules of Court within two weeks. Submission is deferred two weeks.

Gilbert, P.J. returned to the bench.

DIVISION SIX (continued)

B194107 People
 v.
 Clifton

Merits:

Argued by Wayne C. Tobin for appellant. Argument previously waived by respondent. Cause submitted.

B196566 People
 v.
 Rivas

Merits:

Argued by Carol S. Boyk for appellant and by Sonya Roth, Deputy Attorney General, for respondent via video conference. Cause submitted.

B196587 People
 v.
 Lindaman

Merits:

Argued by Ira M. Salzman for appellant. Argument previously waived by respondent. Cause submitted.

Yegan, J. left the bench.

B190918 People
 v.
 Clarke

Merits:

Argued by Dan Mrotek for appellant and by David F. Glassman, Deputy Attorney General, for respondent. Cause submitted.

Court recessed at 3:55 p.m.

November 15, 2007 (Continued)

DIVISION SIX (continued)

Court reconvened at 4:00 p.m.

Present: Gilbert, P.J., Yegan, J., Coffee, J. and G. Bents, Senior Deputy Clerk.

The court makes welcoming remarks to the attendees of the court tour – community outreach program (Ventura Co. Community College and El Camino High School – Moot Court Team).

B197026 People
 v.
 Pierce

Merits:

Argued by Mark Brown for appellant and by Ana R. Duarte, Deputy Attorney General, for respondent via video conference. Cause submitted.

B194359 People
 v.
 Shellhouse

Merits:

Argued by Gilbert W. Lentz for appellant and by Robert S. Henry, Deputy Attorney General, for respondent. Cause submitted.

Court adjourned.